

MINUTES
REGULAR MEETING – PLANNING BOARD
January 23, 2020

Minutes for the Regular Planning Board Meeting for the City of Daytona Beach, Florida, held on Thursday, January 23, 2020 at 6:00 p.m. in the Commission Chambers, City Hall at 301 South Ridgewood Avenue, Daytona Beach, Florida.

Board Members Present:

Tony Servance, Chair
Helen Humphreys, Vice Chair
Tony Barhoo
Jeff Hurt
Milverton Robinson
Cathy Washington

Staff Members Present:

Dennis Mrozek, Planning Director
Ben Gross, Deputy City Attorney
Reed Berger, Redevelopment Director
Lauren Davis, Planner
Vanessa Trimble, Development Review Technician

1. **Call to Order**

Mr. Servance called the meeting to order at 6:00 p.m.

2. **Roll Call**

The roll was called and members were noted present as stated above.

3. **Approval of the Minutes** - December 19, 2019

Board Action:

A motion was made by Mr. Hurt, seconded by Ms. Humphreys, to approve the minutes of the December 19, 2019 meeting as presented. The motion carried (6-0).

4. **Preliminary Plat – Tomoka Town Center Parcel B Replat – DEV2019-144**

Staff Presentation:

Lauren Davis, Planner, presented the staff report which was included as part of the packet. Ms. Davis stated the property is located at the southwest corner of Williamson and Clyde Morris. Ms. Davis stated the intended uses for the project will be a mix of hotels, restaurants, and the Madison Pointe apartments which are currently under construction.

Mr. Robinson stated he is concerned about traffic between LPGA and Mason.

Ms. Davis stated a traffic review is conducted and the applicant is responsible to pay a portion for any improvements that may be necessary for the development.

Ben Gross, Deputy City Attorney, stated the applicant does not determine what improvements are to be made. Mr. Gross stated a traffic study is completed and the Traffic Engineer will determine what improvements will help with traffic flow and then will determine the applicant's pro rata cost for those improvements. Mr. Gross stated most often, the roadways affected are County roads so the city will enter into an agreement with Volusia County for those improvements.

Mr. Robinson stated, in the future, he would like to see the traffic study date included as part of the Planning Board packet.

Mr. Mrozek stated the development has not been determined so the intensity cannot be determined. Mr. Mrozek stated when a Site Plan is submitted, the intensity will be determined at that point and a Traffic Impact Analysis will be conducted.

Applicant Presentation:

Charlie Potter, Avid Group, 2300 Curlew Road, Palm Harbor, Florida spoke representing the applicant. Mr. Potter stated this is a section of the Tomoka Town Center Development and noted over 2/3 of the Tomoka Town Center project has already been built. Mr. Potter stated concurrency issues will be addressed during Site Plan development.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Ms. Washington, seconded by Mr. Hurt, to approve Preliminary Plat – Tomoka Town Center Parcel B Replat – DEV2019-144, in accordance with the staff report as presented. The motion carried (6-0).

5. **Site Plan – Protea Senior Living – DEV2019-159**

Staff Presentation:

Lauren Davis, Planner, presented the staff report which was included as part of the packet. Ms. Davis stated the property is located at 551 N. Williamson Blvd. Ms. Davis stated the project consists of a 100 bed senior living facility. Ms. Davis stated the property is south of Dunn and North of Indigo Drive. Ms. Davis stated the subject zoning is consistent with Zoning, Future Land Use, and all Land Development Code regulations. Ms. Davis stated the building design is in compliance with the Land Development Code including the Major City Thoroughfare requirements and parking requirements.

Mr. Robinson expressed concern about safety barriers and asked if safety plans will be in place.

Applicant Presentation:

Greg Spiro, 5458 Avenida Fiesta, San Diego, California spoke representing the applicant. Mr. Spiro stated his firm has a similar facility that is operational in Palm Coast. Mr. Spiro stated entrance and exit to the memory care facility is by a touch-pad entrance and there is fencing around the area as well. Mr. Spiro stated Wander Guard will also sound an alarm if an attempt is made to leave the building.

Mr. Barhoo stated he is pleased to see the application presented with no variance requests.

Kimberly Buck, 880 Airport Road, Suite 113, Ormond Beach, Florida stated she is the engineer for the project and is available to answer any questions the Board may have.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Barhoo, seconded by Ms. Humphreys, to approve Site Plan – Protea Senior Living – DEV2019-159, in accordance with the staff report as presented. The motion carried (6-0).

6. **Rezoning – First Amendment to Planned Development-General (PD-G) – Tomoka ILF – DEV2019-162**

Staff Presentation:

Lauren Davis, Planner, presented the staff report which was included as part of the packet. Ms. Davis stated the request is to reduce the required minimum caliper inches for shade trees and small trees within the required Scenic Thoroughfare Overlay landscape yard along Tomoka Farms Road. Ms. Davis stated the property is located on the west side of Tomoka Farms Road and north of I-4 and First Baptist Parkway. Ms. Davis stated the request is to reduce the caliper for shade trees from 4” to 2” and to reduce the caliper on small trees from 1.5” to 0.75”; however, Ms. Davis noted at no point will trees have a caliper less than 1”.

Ms. Humphreys expressed concern about planting such small trees that may not thrive and asked if the existing landscaping will remain.

Mr. Barhoo asked if the number of trees will be increased in order to meet this regulation.

Ms. Davis stated the applicant proposes to keep a large amount of the existing vegetation and the requirement will be met as far as the counts.

Applicant Presentation:

Steve Buswell, Parker Mynchenberg & Associates, 1729 S. Ridgewood, Daytona Beach, Florida stated he is the Engineer of Record for the project as well as the Landscape Architect. Mr. Buswell stated the proposed trees will be standard Grade A1 and will be solid 2” trees planted in soil and will be consistent with the existing plant material.

Mr. Robinson asked why pines are proposed, considering the wildfire threat previously in that area.

Mr. Buswell stated he was involved in the wildfire management analysis and a portion on the north side was cleared in order to allow for maintenance. Mr. Buswell stated the trees will be slash pine which are similar to what is in place by Cornerstone.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Barhoo, seconded by Ms. Humphreys, to approve Rezoning – First Amendment to Planned Development-General (PD-G) – Tomoka ILF – DEV2019-162, in accordance with the staff report as presented. The motion carried (6-0).

7. **Rezoning – Planned Development-General (PD-G) – 613 Halifax – DEV2018-129**

Staff Presentation:

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. Mr. Mrozek stated this rezoning will allow for development of a 36 unit multi-family dwelling. Mr. Mrozek stated the project will be a 6 story structure with a parking garage. Mr. Mrozek noted there is a 10' easement to the north of the property which houses a city water line and the applicant proposes to increase that easement to 15'. Mr. Mrozek stated 5 boat slips are permitted for the property. Mr. Mrozek stated there is a separate application being processed for additional boat slips and that application will go directly to the City Commission for consideration.

Mr. Mrozek stated there is an issue with a Comprehensive Plan policy, *Neighborhood B, Issue f, Policy 3*; however, staff feels the proposed project is appropriate for this location. Mr. Mrozek stated the applicant has requested a waiver for landscaping requirements and the width of the driveway and sidewalk requirements. Mr. Mrozek stated the applicant has requested a waiver in sign requirements and staff does not support that request. Mr. Mrozek stated the applicant is requesting that the time be tolled based on the application for docks; and staff recommends that the standard template be applied, which is: application for all construction permits within 18 months, construction complete within 5 years, and allowance for one 12-month extension.

Mr. Mrozek stated staff recommends approval of the application, with the condition that all staff modifications are incorporated into the agreement and all LDC modifications are approved.

Mr. Barhoo stated he is concerned about approving a reduction to a 4' sidewalk.

Applicant Presentation:

Dodi Buckmaster Glas, Gentile Glas Holloway O-Mahoney & Associates, 1907 Commerce Lane, Suite 101, Jupiter, Florida spoke representing the applicant. Ms. Glas provided a colored rendering of the proposed project to the Board. Ms. Glas stated the sidewalk in question is for access in and

out of the parking garage and the area is restricted due to the city's utility easement which is already in place. Ms. Glas stated this is the area where the applicant is requesting to remove a wall or opaque fence due to the utility easement. Ms. Glas stated it would be better to have hedge material in place. Ms. Glas stated the signage is not an issue for the applicant and there is no problem with meeting the residential requirements. Ms. Glas stated there has been a change in the process for reviewing applications for dock permits by FDEP and the Corps of Engineers so that is the basis for her tolling request. Ms. Glas stated there has been a history of neighborhood concern over this property and that is why the applicant has a concern regarding timing.

Mr. Gross stated there is no way to determine how long a dock permit application review by the State may take but noted staff is recommending that the request proceed with the standard language regarding timing.

Mr. Mrozek stated there are PD agreements where the time has been extended but noted staff was uncomfortable with tolling it while the application is going through the review process.

Mr. Gross stated he does not believe the applicant would start construction until they have the approved application for the dock from the State of Florida.

Ms. Humphreys asked if the dock area will be totally private.

Ms. Glas stated the application under review provides for public slips and additional parking.

Mr. Barhoo asked if the building size could be reduced in order to allow for a larger sidewalk.

Ms. Glass stated this is a private sidewalk and is not on the main access. Ms. Glas stated the parking is under the building and there must be a sufficient turning radius. Ms. Glas stated reducing the building size was considered but noted residents were concerned about traffic flow in and out of the area. Ms. Glas stated the applicant is not comfortable in reducing the garage area.

Mr. Robinson noted the neighborhood meeting report indicates many of the neighbors were argumentative and feels that is discouraging. Mr. Robinson stated in the future, perhaps her statement could read that some of the neighbors were involved. Mr. Robinson stated lack of support for a plan does not make the individual argumentative. Mr. Robinson stated he would prefer to see why the individuals did not support the plan.

Ms. Glas stated some of the attendees provided good comments which were incorporated into the design; but some were argumentative.

Public Comments:

John McGuinness, 625 N. Halifax, Daytona Beach, Florida, stated what is proposed is better than the previous hotel project that was proposed. Mr. McGuinness stated the lot is eligible for the national register as a significant architectural site due to the Indian remains and remnants that are on the site. Mr. McGuinness stated he understands there will be a process during the Site Plan review to either recover or seal the remnants. Mr. McGuinness stated he feels like the proposed building is very large for a very narrow building site. Mr. McGuinness stated there are concerns about traffic trying to access the Seabreeze Bridge.

Mr. Mrozek stated there is an additional phase that must be completed regarding the architectural site and that will have to be done as part of the Site Plan review process.

Sandy Murphy, 136 Park Avenue, Daytona Beach, Florida stated she attended the neighborhood meeting; and there were several people in attendance and they were just angry and she felt they would be angry no matter what was said. Ms. Murphy stated she felt the developer did an excellent job of trying to address their concerns. Ms. Murphy stated argumentative was a good description of some people but others were involved in a good discussion.

John Nicholson, 413 N. Grandview, Daytona Beach, Florida asked if the issue has been resolved regarding the island. Mr. Nicholson expressed concern regarding the lack of landscaping proposed for the project and the request for extending the timing for construction of the development.

Mr. Gross addressed some of the comments made by the public and stated in the past, there was a dispute between property owners regarding the right of the applicant to build a dock on the water which relates to riparian rights. Mr. Gross noted the dock is not an issue before the Board this evening; but if there are issues, that will be dealt with during the slip application process by the City as well as through the State permitting process. Mr. Gross stated nothing the Board does will waive the requirements for the protection of the historic resources that may be on site. Mr. Gross stated the proposed PD agreement allows for multi-family uses which will allow condominiums or apartments and this PD would not allow other accommodations.

Board Action:

A motion was made by Ms. Humphreys, seconded by Mr. Hurt, to approve Rezoning – Planned Development-General (PD-G) – 613 Halifax – DEV2018-129, in accordance with the staff report as presented, including the staff conditions that all staff modifications are incorporated into the agreement and all LDC modifications are approved. The motion carried (6-0).

8. **Rezoning – Third Amendment to Planned District Agreement – Daytona Beach Convention Hotel & Condominium – DEV2019-163**

Staff Presentation:

Reed Berger, Redevelopment Director, presented the staff report which was included as part of the packet. Mr. Berger stated this is a request to revise the number of hotel and residential units on the property. Mr. Berger stated the request is to convert 42 hotel rooms in the condominium tower to condominium units. Mr. Berger stated the Beachside Redevelopment Board reviewed this request and recommended approval.

Applicant Presentation:

Rob Merrell, Cobb & Cole, 149 S. Ridgewood Avenue, Daytona Beach, Florida spoke representing the applicant. Mr. Merrell stated one of the towers is designated for hotel rooms and the other is condominium units with 42 hotel rooms included. Mr. Merrell stated this is a request to convert those hotel rooms to condominium units as well. Mr. Merrell stated the project will now be residential in one tower and hotel rooms in the other.

Ms. Humphreys asked how traffic will get to the parking garage from the hotel/condo site since the traffic on Oakridge is headed east.

Mr. Merrell stated a plan has been designed and approved but FDOT is looking at the traffic pattern in the area.

Ms. Humphreys asked if anything is being done to compensate the property owners of the small building adjacent to this site that did not sell their land for this project. Ms. Humphreys asked about the financing of the project.

Mr. Hurt stated the Board cannot discuss financing.

Mr. Merrell stated he is not sure other than the value of the adjacent property have increased. Mr. Merrell stated he knows the property owners personally and has not heard from them.

Public Comments:

John Nicholson, 413 N. Grandview spoke regarding FDOT and the traffic flow and stated the developer had the cash in hand to construct this project. Mr. Nicholson stated the property owner adjacent to this project is being compensated for the crane being over their building.

Board Action:

A motion was made by Mr. Barhoo, seconded by Ms. Washington, to approve Rezoning – Third Amendment to Planned District Agreement – Daytona Beach Convention Hotel & Condominium – DEV2019-163, in accordance with the staff report as presented. The motion carried (6-0).

9. **Land Development Code Text Amendment – Amending Articles 4, 5, and 6 of the Land Development Code – DEV2020-001**

Staff Presentation:

Dennis Mrozek, Planning Director, presented the staff report which was included as part of the packet. Mr. Mrozek stated this is a request to amend the Land Development Code regarding requirements for development of a Boardwalk, requirements for minimum design standards for gas station canopies, minimum sidewalk widths for certain commercial development, and changing requirements for height limits regarding parking lot lights. Mr. Mrozek stated many times modifications are requested by developers on these items so staff reviewed what was outlined in the Land Development Code and is recommending the proposed changes. Mr. Mrozek stated the language regarding the boardwalk will read that development of a boardwalk will be encouraged, not required. Mr. Mrozek stated many commercial developments request larger light poles in order to provide lighting to a larger area. Mr. Mrozek stated the requirement for larger sidewalks was put in place when the new Land Development Code was adopted. Mr. Mrozek stated not all commercial developments have the activity that would require a larger sidewalk. Mr. Mrozek stated the larger canopy is used in most developments, such as Wawa and Racetrak sites. Mr. Mrozek stated staff recommends approval of the proposed changes.

Public Comments:

There were no public comments.

Board Action:

A motion was made by Mr. Hurt, seconded by Ms. Humphreys, to approve Land Development Code Text Amendment – Amending Articles 4, 5, and 6 of the Land Development Code – DEV2020-001, in accordance with the staff report as presented. The motion carried (6-0).

10. **Other Business**

a. Downtown/Balough Road Redevelopment Area Board Report

Ms. Washington stated the Downtown/Balough Road Redevelopment Area Board met in January and reviewed and approved a request for wall murals at Fifi's Beauty Salon at 400 Dr. Mary McLeod Bethune Boulevard.

b. Midtown Redevelopment Area Board Report

Mr. Robinson stated the Midtown Redevelopment Area Board met on January 14 and agreed to have a workshop to discuss the Midtown Master Plan, Redevelopment Plan and land use approvals. Mr. Robinson stated he is concerned that the Midtown Redevelopment Area Board meetings are not held in Midtown. Mr. Robinson stated he would hope the Midtown Redevelopment Area Board meetings could be held in Midtown in order to encourage participation. Mr. Robinson stated he hopes funding can be allocated in order to implement the Midtown Master Plan. Mr. Robinson stated the workshop is planned for January 30, 2020 at 3:00 p.m. to 5:00 p.m. in Conference Room 149-B at City Hall.

c. Beachside Redevelopment Area Board Report

Mr. Servance stated he attended the Beachside Redevelopment Area Board meeting on January 15, 2020. Mr. Servance stated the Board reviewed and approved Item 8 which as on the Planning Board's agenda this evening regarding the Daytona Beach Hotel/Condominium project.

d. Public Comments

John Nicholson, 413 N. Grandview, Daytona Beach, Florida stated the Midtown Redevelopment Area Board meeting used to be held at the Dickerson Center. Mr. Nicholson spoke about traffic patterns on Atlantic Avenue and International Speedway Blvd.

e. Staff Comments

There were no staff comments.

f. Board Member Comments

Mr. Barhoo stated he was concerned that he did not receive notification that he had been replaced by Mr. Robinson as the Planning Board's representative on the Midtown Area Redevelopment Board. Mr. Barhoo stated he is fine with Mr. Robinson serving as the representative but feels he should have been notified that the change was made. Mr. Barhoo stated he had requested information from Code Enforcement while serving as the representative on the Midtown Board. Mr. Barhoo stated he feels some areas of the city are unfairly targeted by Code Enforcement. Mr. Barhoo stated he asked for a report that would show where other code enforcement violations are cited throughout the city, not just Midtown. Mr. Barhoo stated he would still like to receive that report. Mr. Barhoo stated he feels Midtown is unfairly targeted.

Mr. Robinson stated he brought Mr. Barhoo's concern up at the January meeting and was told that staff will work to help provide assistance in order to address violations. Mr. Robinson stated he will continue to address Mr. Barhoo's concerns.

Mr. Servance stated a city-wide Code Enforcement meeting will be held at Bethune-Cookman University on January 29, 2020. Mr. Servance stated there was a discussion at a City Commission meeting about Code Enforcement fines that are collected being set aside to help address Code Enforcement violations. Mr. Servance stated there was also a discussion about area churches working together to help to address Code violations.

Mr. Mrozek apologized for Mr. Barhoo not being notified of the change in the Midtown Area Redevelopment Board



Tony Servance, Chair



Jeff Hurl, Board Secretary